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July 13, 2023

Via ECF

The Honorable Jesse M. Furman
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *United States v. Schulte*, 17 Cr. 548 (JMF)

Dear Judge Furman,

On behalf of Joshua Schulte, proceeding *pro se* with the undersigned appointed as Standby Counsel, we write to respond to the Court's order (Dk. No. 1072) ordering the undersigned to advise the Court of any further updates on Mr. Schulte's ability to view the discovery productions provided to him at the Metropolitan Detention Center ("MDC"). As of now, we are unable to confirm whether Mr. Schulte's inability to view discovery files on the MDC computers has been ameliorated. However, we would like to advise the Court of two additional matters, specifically, that: (1) Mr. Schulte has informed the undersigned that he has written the Court to request that the undersigned resume our representation of Mr. Schulte; and (2) that on July 7, 2023, the undersigned visited Mr. Schulte and attempted to hand deliver documents to him, but was denied, and as of July 12, 2023, Mr. Schulte still has not received those documents.

When speaking with Mr. Schulte on July 12, 2023, Mr. Schulte said that he had written to the Court in the first week of July to let the Court know that he is requesting that the undersigned take over his representation, and that he no longer wished to proceed *pro se*. As this letter has not yet been received by the Court, we are writing to apprise the Court of this update. We are now 60 days out from the commencement of trial, which is sufficient time for us to prepare. From the time Mr. Schulte decided to proceed *pro se*, the undersigned has remained in constant communication with Mr. Schulte and his forensic expert and are fully prepared to resume our representation and be prepared for trial. The undersigned has spoken with the government, and both parties are requesting that a status conference be held on July 18, 2023 at 2:15pm to address Mr. Schulte's request, and that the parties pretrial filings due July 14, 2023 be adjourned one week.

Secondly, and somewhat relating to the Court's July 13, 2023 order, at the last status conference the Court informed the parties that the MDC would allow Mr. Schulte's legal team to hand

documents to Mr. Schulte in the Special Administrative Measures (“SAMs”) unit. Shortly after that status conference, a member of the legal team was able to give documents to MDC staff in the SAMs unit, who then handed the documents to Mr. Schulte. However, on July 7, 2023, members of Mr. Schulte’s legal team again went to visit Mr. Schulte to hand him documents, but were told by MDC staff that the documents had to be placed in the mailbox in the building lobby. As of July 12, 2023, Mr. Schulte had still not received those documents.

Finally, regarding Mr. Schulte’s ability to view PDF files, in the government’s July 11, 2023 filing, it represented that the program “Adobe Acrobat Reader” was installed on the computer that Mr. Schulte has access to at the MDC, and this program would now be able to open and view PDF files. Dk. No 1071. During the undersigned’s July 12, 2023 conversation with Mr. Schulte, Mr. Schulte informed us that he has not been able to use the computers at the MDC since at least July 6, so we are not sure if the Adobe Acrobat Reader has solved the problem.

Accordingly, we are informing the Court that, upon Mr. Schulte’s request to stop representing himself *pro se*, we are ready to resume control of the case, and will be prepared proceed with the September 11, 2023, trial date. In light of Mr. Schulte’s request to have the undersigned resume his representation, the parties are requesting that the Court schedule a conference for July 18, 2023 at 2:15pm, and that parties’ pretrial filings due July 14, 2023 be adjourned one week. Additionally, we are informing the Court that defense counsel was unable to hand deliver documents to Mr. Schulte at the MDC, and since at least July 6, 2023, Mr. Schulte has not been allowed to use the computer in the SAMs unit and, thus, cannot confirm that PDF files are now able to be viewed.

Respectfully submitted,

/s/

Shannon McManus
César de Castro

cc: All Parties (*via* ECF)

The parties shall appear for a conference on July 18, 2023, at 2:45 p.m. In light of the potential change in Mr. Schulte’s representation status, the July 14, 2023 pretrial filing deadline is extended to July 21, 2023. The Court will address the other pretrial deadlines at the conference on July 18th.

The Clerk of Court is directed to terminate ECF No. 1073.

SO ORDERED.



July 14, 2023